



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, June 14, 2006

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Jean Hamilton, AICP, Acting Deputy Director

Susan Walton, Principal Planner

**Joseph Horwedel, Acting Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **June 14, 2006**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Gina Robles (gina.robles@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. SP06-017. Special Use Permit** to allow removal of existing, unpermitted retaining walls and replacement with new retaining walls on a 0.16-acre single family lot in the R-2 Two-Family Residence Zoning District, located at/on the east side of Fall Avenue approximately 100 feet south of Clayton Road (1514 FALL AV) (Schmitt Charles E Jr And Joanna B, Owner). Council District 5. SNI: None. CEQA: Exempt. **Deferred from 5/31/06.**
- b. TR06-060. Tree Removal Permit** to approve removal of one 42-inch diameter Palm tree previously removed without benefit of the required tree removal permit located in the R-1-8 Single-Family Residence Zoning District, on 1138 Daniel Way (1138 S DANIEL WY) (Diaz Patricia, Owner). Council District 6. CEQA: Exempt.
- c. PD06-021. Planned Development Permit** to include general office uses within a previously approved medical office building on a 1.54 gross acre site in the A(PD) Planned Development Zoning District, located at the northeast corner of Towers Lane and Lexann Drive (1569 Lexann Avenue) (Green Valley Corporation, Owner/Developer). Council District 7. SNI: West Evergreen. CEQA: Mitigated Negative Declaration (File No. PDC04-008).
- d. TR06-034. Tree Removal Permit** to allow the removal of one 146-inch ash tree from a single-family residential site in the A (PD) Planned Development Zoning District, located at 116 Rue Boulogne (Stewart Champion, Owner). Council District 2. CEQA: Exempt.

- e. **PDA05-049-01. Planned Development Permit Amendment** to construct a first and second story addition of approximately 150 square feet to the rear of an existing single family residence and to modify the proposed deck at the rear of the historic residence on a 0.13 gross acre site in the A(PD) Planned Development Zoning District, located at/on the north side of George Street, approximately 185 feet west of San Pedro Street (175 GEORGE ST) (Neighborhood Housing Services Silicon Valley, Owner). Council District 3. SNI: None. CEQA: Exempt.
- f. **PDA71-008-01. Planned Development Permit Amendment** to allow the removal of up to 25 trees, of various sizes larger than 56 inches in circumference, and of various species in the CG(PD) Planned Development Zoning District located on the northeast corner of Fontaine Road and Flanigan Drive (1545 Flanigan Drive) (KDF Fontaine S.J.C. LP, Owner). Council District 7. CEQA: Exempt.
- g. **PDA01-068-01. Planned Development Permit Amendment** to change a condition of a previously approved permit (file PD01-068) related to the limitation of the issuance of residential building permits with respect to the completion of a new Fire Station on a 0.48 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of St. Florian Way and Altino Boulevard (2933 St. Florian Way) (KB Home South Bay Inc, Owner; KB Homes Steve Bull, Developer). Council District 7. SNI: None. CEQA: Re-Use of EIR.
- h. **PDA03-002-01. Planned Development Permit Amendment** to install one ATM machine and a drive-up depository to an existing bank on an 8.3 gross acre site in the A(PD) Planned Development Zoning District located on the west side of Silver Creek Valley Road approximately 640 feet northeasterly of Bel Aire Hills Drive (5601 Silver Creek Valley Road) (Ed Abelite, Owner). Council District 8. SNI: None. CEQA: Exempt.
- i. **TR06-033. Tree Removal Permit** to remove three Deodar Cedar trees of 73-inches, 78-inches and 81-inches in circumference located on a 0.23 acre site in the R-1-8 Single-Family Residence Zoning District, located at 6398 Via Amigos (Wood Morris L And Barbara E Trustee, Owner). Council District 10. CEQA: EXEMPT.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **PDA87-035-01. Planned Development Permit Amendment** to remove 18 trees from a single-family residential complex on an 11 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of Lundy Avenue, approximately 600 feet northerly of Berryessa Road (Berryessa Villa, Homeowners Association, Owner). Council District 4. CEQA: Exempt. **Deferred from 5/24/06.**

- b. **V06-005. Development Variance Permit** to allow a 243 square foot, one-car attached garage for a single-family residence on a 0.09 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the 752 West Virginia Street (south side of W. Virginia Street approximately 150 feet east of Hannah Street) (752 W VIRGINIA ST) (Nol Santiago, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
- c. **SF04-028. Single Family House Permit** to allow a 2,860 square foot, two-story addition to an existing historic single-family residence, repositioning of the house on the site, demolition of the existing detached garage, construction of a new detached garage and removal of one ordinance-size Walnut tree on a 0.41 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 795 Coe Avenue (Siegel Marc and Valentine Amy, Eaton Robert E And Ruthann L, Owner). Council District 6. SNI: None. CEQA: Exempt.
- d. **PD06-024. Planned Development Permit** to allow a 4,681 square foot retail building with a drive-through use on a 0.63 gross acre site in the A(PD) Planned Development Zoning District located on the west side of South Winchester Boulevard approximately 550 feet southerly of Stevens Creek Boulevard (369 S. WINCHESTER BLVD). (Glenford V. Dennee Jr. Trustee, Owner; John Mackay, Developer). Council District 1. SNI: None. CEQA: Exempt.
- e. **PD06-023. Planned Development Permit** to allow the remodel of a 7,841 square foot office building to an automobile dealership and the demolition of three single-family detached residences to facilitate the outdoor storage of vehicles for said use on a 1.46 gross acre site in the A(PD) Planned Development Zoning District located on the southwest corner of Stevens Creek Boulevard and Ardis Avenue (3370 STEVENS CREEK BL) (Hooshang And Manizheh Homara/Stevens Creek European, Owners). Council District 1. SNI: None. CEQA: Exempt.
- f. **H06-029. Site Development Permit** to construct a 499-square-foot addition to an existing duplex on a 0.16 gross acre site in the R-2 Two-Family Residence Zoning District located on the west side of Bevans Drive, approximately 330 feet southerly of Lapa Drive (499 Bevans Drive). (Belizario Valencia, Owner). Council District 1. SNI: None. CEQA: Exempt.
- g. **TR06-064. Tree Removal Permit** to remove one Maple tree, 124 inches in circumference, in the R-1-8 Residence Zoning District located at 4998 Harmony Way. (Yuh Y and Aiping L Yeh, Owners). Council District 1. CEQA: Exempt.
- h. **PDA91-006-73. Planned Development Permit Amendment** to install three entry gates across three private streets on a 71.29 gross acre site in the A(PD) Planned Development Zoning District, located at the northern terminus of Glenview Drive; and the intersections of Glenview Drive/Hollow Lake Way and Hollow Lake Way/Quail Crest Way (Country View Custom Estates Home Owner's Association Owner/Developer). Council District 10. SNI: None. CEQA: Exempt.

- i. **TR06-068. Tree Removal Permit** to allow removal of one Pine tree, 96 inches in circumference, on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District located at 1742 Hayford Drive (Raymond G Radlinsky, Owner). Council District 1. CEQA: Exempt.
- j. **H06-025. Site Development Permit** for seismic upgrade, core, and shell renovation of the existing Wilcox Block building containing 10,807 square feet for commercial uses on a 5.28 gross acres site in the DC Downtown Primary Commercial Zoning District, located at the northwest corner of S. First Street and W. San Fernando Street (93 S 1ST ST) (Redev Agency of The City Of San Jose, David Mosher, Owner). Council District 3. SNI: None. CEQA: FEIR Resolution No. 71039.1 and Addenda thereto, File No. H06-025.
- k. **TR06-043. Tree Removal** application to remove one Elm Tree, 96 inches in circumference in, the R-1-8 Residence Zoning District located at 960 Amstutz Drive. (Tim Mccarthy and Cynthia Porter, Owners). Council District 1. CEQA: Exempt.
- l. **SF06-017. Single Family House Permit** to allow minor exterior modifications to a single-family residence in the Hanchett and Hester Park Conservation Area and demolition of an existing 288 square foot detached garage and construction of a new 545 square-foot detached garage on 0.15 gross acres in the R-2 Two-Family Residence Zoning District, located on the northerly corner of the intersection of Sierra Avenue and Sequoia Avenue (1195 SIERRA AV) (Chisessi David, Owner). Council District 6. SNI: None. CEQA: Exempt.
- m. **SP06-021. Special Use Permit** to allow existing retaining walls over two feet in height constructed without permits along the rear and side property lines of an existing single-family detached residence on a 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 971 Mount Carmel Drive (Hoogerwerf Bradley A And Jane C Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. **Continued from 5/31/06.**

This concludes the Planning Director's Hearing for June 14, 2006. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/default.asp>
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(408) 535-7800 CITY OF SAN JOSE